



ORDINANCE O-02-21

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 22 OF THE CODE OF WALKER COUNTY, GEORGIA REGARDING LAND DEVELOPMENT; TO PROVIDE FOR AN EFFECTIVE DATE; TO REPEAL ANY AND ALL CONFLICTING ORDINANCES AND PARTS OF ORDINANCES; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR OTHER PURPOSES

WHEREAS, Walker County desires to amend its Land Development Code regarding tiny homes; private driveways; and required road frontage; and

THEREFORE, BE IT ORDAINED by the Board of Commissioners of Walker County that the Code of Walker County, Georgia is amended as follows:

1.

Section 22-26(2)(b)(2) is deleted in its entirety and replaced with the following:

Any residential structure with less than 500 square feet is to be defined as a "Tiny Home." A Tiny Home is allowed as a conditional use in the following zones: A-1, R-A, R-1, R-2, and R-3. A property owner must comply with the requirements and procedure for obtaining a conditional use, as set forth in this Code. A Tiny Home is not permitted in either a C-1 or an I zone.

(i) A Tiny Home must meet all of the minimum requirements of the International Residential Code, the Electrical Code, the Energy Code, and all other applicable building codes that have been adopted by Walker County and are in effect as of the date that the building permit is issued.

(ii) All Tiny Homes in a R-1 zone must be a sight-built structure. In all other zones that allow for residential homes, Tiny Homes may be either sight-built structures or residential industrial (modular) structures. A Tiny Home is not permitted in either a C-1 or an I zone.

(iii) A Tiny Home shall not be built within a 300 foot radius of any other residential home unless a variance is granted by the Planning Commission.

(iv) A Tiny Home built on a metal frame with wheels shall only be allowed in an approved mobile home park, and shall satisfy the requirements set forth in Code Section 22-414. Any Tiny Home that does not satisfy these requirements shall require a variance from the Planning Commission.

2.

The following section of 22-115 is deleted in its entirety and replaced with the following:

Applicant means any person seeking a permit, license, zoning amendment, variance or other service from the Walker County Planning Office.

3.

The following section of 22-181 depicted in the Development Standards chart is deleted in its entirety and replaced with the following:



<i>District</i>	<i>Required Road Frontage First Dwelling Unit (ft)</i>
R-1	75
R-2	75

4.

Section 22-401(3) is deleted in its entirety and replaced with the following:

Abut on a private drive, or a permanent recorded easement or right-of-way which serves no more than six separate residential dwellings, lots or tracts and provides access to a publicly accepted and maintained road, provided that the following criteria are met:

a. A private drive, easement or right-of-way utilized for access must be at least 50 feet in width. Each parcel of property that accesses the private drive, easement or right-of-way must be a minimum of one acre, except all property that is zoned A-1 requires a minimum of five acres. A maximum of six parcels may access the private drive, easement or right-of-way. No additional private drive, easement or right-of-way may be created from the original private drive, easement or right-of-way or any parcel that has access thereto. Each private drive, easement or right-of-way must satisfy the County: (1) Fire Department dead end road requirements; (2) setback requirements; and (3) storm water and soil erosion plan requirements. All deeds and plats are required to set forth the private drive, easement or right-of-way. All deeds and permits that provide a private drive, easement or right-of-way to be utilized for access shall include a provision that each property owner shall be responsible for the property owner’s share of the cost of the maintenance of the private drive, easement or right-of-way. For example, if four property owners access a private drive, easement or right-of-way, then each property owner shall be responsible for one-fourth of the cost of the maintenance of the private drive, easement or right-of-way.

5.

This ordinance is effective immediately upon its adoption.

6.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

(CONTINUED)



7.

If any section, clause, sentence, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

PASSED AND ADOPTED this 28th day of October, 2021.

ATTEST:

WALKER COUNTY, GEORGIA

A handwritten signature in blue ink, reading "Rebecca Wooden", is written over a horizontal line.

REBECCA WOODEN, County Clerk

A handwritten signature in blue ink, reading "Shannon K. Whitfield", is written over a horizontal line.

SHANNON K. WHITFIELD, Chairman



The foregoing Ordinance received a motion for passage from Commissioner Bakermore, second by Commissioner Askeu, and upon the question the vote is 3 ayes, 0 nays to adopt the Resolution.